IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Crl.L.P..No. 480 of 2006()

STC.341/2005 of J.M.F.C.-I, KANNUR
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SPL.LEAVE PETITIONER/COMPLAINANT

K.P.JANARDHANAN,
S/O.V.P.GOPALAN NAMBIAR, "AAROODAM,",
P.O. CHOVVA, KANNUR DISTRICT.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS: ACCUSED

LATHA KUNHIKANNAN,
W/O.KUNHIKANNAN,
BLUE STAR CLUB QUARTERS,
ANNUR ROAD, PAYYANNUR, KANNUR DISTRICT.

THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. THANKAPPAN, J.

Crl.L.P.No.480 OF 2006

Dated this the 14th day of February, 2007.

O R D E R

This is a petition for special leave to appeal against the acquittal order passed in STC.No.341/2005 on the file of the Judicial Magistrate of First Class-I, Kannur. The complainant/appellant had stated in the complaint that the respondent had borrowed an amount of Rs.3,60,000/= as loan from him. For the repayment of the loan, the respondent had issued a cheque in favour of the appellant. But, when the cheque was presented for encashment, the same was dishonoured for want of sufficient fund in the account of the respondent. Hence, a complaint filed on complying the statutory requirements of filing the complaint under Section 138 of the N.I.Act. After a full fledged trial, the trial magistrate found that the appellant failed to prove any case against the respondent, whereas the respondent had proved that he had paid certain amount to the appellant and not in connection with any of the transaction as alleged by the appellant. The respondent also produced Exts.D1 and D2 receipts for the

collection of the amount. It is further proved by the respondent that one Advocate Joy Joseph was the President of the Super Market and the case set up by the appellant is not true. After considering the entire evidence, the trial court came to the conclusion.

2. This Court has gone into the entire evidence of the case and is of the view that the findings entered by the trial court are on evidence and it requires no interference by this Court.

Accordingly, the special leave to appeal stands dismissed.

K. THANKAPPAN, JUDGE.

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